

**SUPPORTED EMPLOYMENT SERVICES**

**I. LEGAL AUTHORITY:**

The Rehabilitation Act of 1973, 29 U.S.C. 701, as amended; 29 U.S.C. 711(c); Section 7(34) and 12(c) of the Act; 29 U.S.C. 706(34); 29 U.S.C. 795j-q, Title VI Part C, Public Law 99-506, as amended; 34 CFR 77.1, 34 CFR 361.5(46),(50); 34 CFR 363.

**II. POLICY STATEMENT AND PURPOSE:**

The State Supported Employment Services Program is authorized to assist individuals with the most significant disabilities (as defined in Section 115.22) for whom competitive employment in an integrated setting would have been unlikely without on-going support and other appropriate services. The Program assists these individuals in acquiring the skills and experience needed to enter or retain competitive employment by organizing and making available services based on a determination of the individual's needs as specified in the Individualized Plan for Employment (IPE). This section will define who qualifies for the services, the services to be provided, time limits of the services, IPE development, and case closure.

**A. Definitions**

**1. Supported Employment means:**

- a. Competitive employment in an integrated setting with on-going support services for individuals with the most significant disabilities-
  - 1) For whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and
  - 2) Who, because of the nature and severity of their disabilities, need intensive supported employment services from the designated State unit and extended services after transition in order to perform this work; or
- b. Transitional employment for individuals with the most significant disabilities due to mental illness.
- c. As used in the definition of "Supported employment"-
  - 1) Competitive employment means work--

- a) In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and
  - b) For which an individual is compensated at or above the minimum wage, but not less than the customary or usual wage paid by the employer for the same or similar work performed by individuals who are not disabled.
- 2) Integrated setting means a setting typically found in the community in which an individual with the most significant disabilities interacts with non-disabled individuals, other than non-disabled individuals who are providing services to that individual, to the same extent that non-disabled individuals in comparable positions interact with other persons.

2. Transitional Employment

Transitional Employment means a series of temporary job placements in competitive work in integrated work settings with on-going support services for individuals with the most significant disabilities due to mental illness. In transitional employment, the provision of on-going support services must include continuing sequential job placements until job permanency is achieved.

3. On-going Support Services

Supported Employment Services are defined as:

- a. On-going support services and other services needed to support and maintain an individual with a most significant disability in supported employment that:
  - 1) assist an individual in entering or maintaining competitive employment; and
  - 2) are provided by the state agency for a time-limited period of eighteen (18) months, unless under special circumstances, the individual and the VR counselor jointly establish in the IPE an agreement to extend the time required to achieve job stabilization before transfer to extended services.
  - 3) Post-employment services following transition to extended services.

4. On-going Support Services
  - a. Are services which are required by individuals with the most significant disabilities based on a determination of the individual's needs as specified in the IPE; and
  - b. Are based on a determination by the state agency of the individual's needs as specified in the IPE; and
  - c. Are provided by the state agency from the time of job placement until transition to extended services, except when post-employment services are included in the IPE; and
  - d. Following transition, are furnished by one or more extended services providers throughout the individual's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment.
  - e. Include, at a minimum, twice monthly monitoring at the work site of each individual in supported employment to assess employment stability; or
  - f. In special circumstances, at the request of the individual, the IPE provides for off-site monitoring and the coordination or provision of specific services at or away from the work site to maintain job stability.
5. Types of On-going Support Services include:
  - a. a particularized assessment which is needed to supplement the comprehensive assessment of rehabilitation needs;
  - b. the provision of skilled job trainers who accompany the individual for intensive training at the work site;
  - c. job development and placement;
  - d. social skills training;
  - e. regular observation or supervision of the individual;
  - f. follow-up services such as regular contact with the employer, the individual, parents, family members, guardians, advocates, or authorized representatives of the individual, and other suitable

professional and informed advisors in order to reinforce and stabilize the job placement;

- g. the facilitation of natural supports at the worksite; and
- h. other appropriate services as needed, such as transportation and personal assistance services.

6. Time-Limited Services

- a. Funding by the state agency for on-going support services may not exceed 18 months unless:
  - \* a longer period required to achieve the rehabilitation objectives has been jointly agreed upon by both the individual and the counselor and has been justified in the IPE before an individual with significant disabilities makes the transition to extended services; or
  - \* as post-employment services (see Section 115.15) following transition to extended services (see II., B., 3., c.)

7. Extended Services

- a. After the 18-month limit has been reached, on-going support services (see definition in 6. above) may be provided by a state agency, a private non-profit organization, or any other appropriate resource with funds other than those furnished by ORS.

B. Supported Employment-Authorized Activities

- 1. Any further assessment needed to supplement the comprehensive assessment of rehabilitation needs and which is provided subsequent to the development of the IPE.

Such a supplementary assessment may be provided when:

- a. Additional information is needed to determine the most suitable supported employment placement for an individual or to determine what on-going support services are needed including the need for rehabilitation technology; or
- b. A reassessment of the suitability of placement is warranted; or
- c. There is a change in the individual's medical condition.

2. Job development and placement for individuals with the most significant disabilities.
3. Provision of time-limited services that are needed to support individuals with the most significant disabilities.
  - a. Intensive on-the-job skills training provided by qualified job trainers, co-workers and other proficient individuals, and other services required by the individual to achieve and maintain job stability.
  - b. Follow-up services including regular contact with employers, trainees with the most significant disabilities, parents, guardians, or other representatives of trainees and other suitable professional and informed advisors in order to reinforce and stabilize the job placement.
  - c. Post-employment services (see Section 115.15) following transition to extended supports that are unavailable from the extended service provider(s) which are necessary to maintain the job placement. (E.g., replacement of prosthetic and orthotic devices, or rehabilitation technology consultation.)

### **III. PROCEDURES**

#### **A. Considerations for Supported Employment Services**

1. The individual must first be determined eligible for Vocational Rehabilitation Services, be classified as an individual with the most significant disabilities, and participate in the development of an IPE which identifies supported employment as the appropriate rehabilitation goal.
  - a. In the determination of eligibility of an individual with the most significant disabilities, supported employment services must be considered in the evaluation.
  - b. Individuals who are considered for supported employment services are those with the most significant disabilities whose comprehensive assessment of rehabilitation needs (including evaluation of rehabilitation, career, and job needs), identifies supported employment as the appropriate rehabilitation objective.
2. The unavailability of community resources for supported employment services provision can not be a reason for determining an individual with the most significant disabilities to be ineligible for vocational rehabilitation services. If the individual with the most significant disabilities is determined

to be potentially employable through the provision of supported employment services, s/he must be found eligible for the Vocational Rehabilitation Program even if a key resource(s) needed to provide those services is currently unavailable. In these situations the Vocational Rehabilitation agency has the lead responsibility in the development of resources and agreements for extended services. The counselor:

- a. Certifies the individual is eligible for the VR program; and
  - b. Informs the individual that supported employment services cannot be initiated until an extended resource is obtained; and
  - c. Seeks out the resource(s) for the needed extended services.
  - d. May initiate VR services with a strong likelihood of a source of extended services, including natural supports. The IPE must include a statement describing the basis for the supposition of the availability of such resources.
3. The individual with the most significant disabilities who receives supported employment services either has not worked competitively or has a history of interrupted competitive employment as a result of the disability and requires the provision of on-going support to perform competitive work.
  4. An assessment must be made that determines that on-going support services are necessary to perform competitive work.
    - a. The counselor may utilize a variety of assessment tools including: vocational evaluations, work adjustment recommendations, and pre-placement assessment information.
    - b. The evaluation activities in a supported employment on-site work evaluation specifically identify the types of supports required by the individual to be added to the IPE if necessary, including job skills, training, on- or off-site monitoring, rehabilitation technology services or any other on-going support needs of the individual to maintain employment.

**B. IPE Development**

1. The IPE must be jointly developed with full participation of the individual with the most significant disabilities or relative, etc. in the choice of goals, objectives, and services which include supported employment services.

2. The IPE which includes supported employment services is written before supported employment services are initiated.
  - a. The IPE may contain a supplemental evaluation to help develop, finalize, or reassess a supported employment plan of services.
  - b. The IPE may require amendments to include the specific support plans defined by a supplemental evaluation.
3. The IPE must include: the expected individualized hourly work goal per week (which is compatible with the individual's employment potential) and the extended on-going support services to be provided after the transition from ORS sponsorship. The specific requirements for extended on-going support services are defined as, at a minimum of twice monthly:
  - a. an overall assessment regarding the employment situation is made at the job site; or
  - b. if the supported employee and the counselor determine that off-site supports are more appropriate, the two face-to-face meetings with the individual and one with the employer are made to ensure that the provision or coordination of supports as defined in the IPE is assisting the individual to maintain employment.
4. The IPE may also be written or amended when the on-going support needs are defined by the on-site supported employment work evaluation.
5. The IPE identifies the state, federal, or private programs or other resources which will provide the extended services as well as the basis for determining that extended services are available.
6. The IPE specifies a plan providing for periodic monitoring to ensure satisfactory progress towards meeting the weekly work requirement established in the IPE by the time transition to extended services occurs.
7. The IPE includes a description of post-employment services to be provided after case closure.
8. The IPE contains documentation for individual situations such as:
  - a. Determination that monitoring and assessment of employment stability is determined by both counselor and employee to be more appropriate away from the job site.

- b. Determination that more than 18 months of on-going support through the state agency is necessary for the individual to achieve job stability.
  - 9. ORS-sponsored on-going support services in the IPE are furnished from time of job placement until transition to extended services except when provided in post-employment services (see II., B., 3., c.) and one or more extended service providers throughout the individual's term of employment in a particular placement or in multiple placements if those placements are provided by a program of transitional employment.
    - a. Extended on-going support services may be provided by a state agency, a private non-profit organization, or any other appropriate resource with funds other than those furnished by ORS, and must include at least two face to face visits per month with the employee at the job site to assess job stability; or,
    - b. If the individual and counselor have determined that off-site monitoring is appropriate and the IPE provides for a provision or coordination of specific services at or away from the work site necessary to maintain employment stability.
- C. Title VI-Part C funds can be used for all supported employment authorized activities in the IPE which occur after eligibility for vocational rehabilitation services has been determined.
- D. Transition to Extended Supports

The transition to extended support provision is individually determined. The requirements for transition to extended supports are:

  - 1. The individual must be stabilized in the placement.
  - 2. The individual must have substantially met the goal for hours of employment established in the IPE.
  - 3. The extended services must be immediately available to preclude any interruption in the provision of the on-going support required.
  - 4. In transitional employment, the case can be closed in 26 if the individual is working in a temporary placement. However, the counselor is responsible for documenting how the provision of extended services will achieve job permanency for a person closed in a temporary placement through the transitional employment program.
- E. Criteria for Closure to Supported Employment

1. The individual must maintain employment for at least ninety (90) days after transition to extended services before case closure.
2. The individual must be stabilized in her/his employment at a rate of pay equal to or above minimum wage and the supported employee and the ORS counselor agree that the job represents suitable employment.
3. The support services required by the individual must be continued through an identified, alternative long term funding source.

**F. Post-Employment Services**

1. Post-employment services can be utilized for an individual in supported employment if such services are needed by the individual to maintain employment and the services are not available from an extended service provider.
2. Post-employment services should not be used in situations of underemployment or extensive retraining. In these situations the individual may reapply for services. Supported employment services may be provided for a new period of up to eighteen (18) months as determined by the IPE.

**G. Supported employment services for students with the most significant disabilities who are transitioning from school to work.**

1. Collaborative transition plans and IPEs must be developed which involve supported employment services and utilize available information from school programs in the plan.
2. The state agency may provide services to evaluate rehabilitation potential and define on-going support needs for IPE/IEP's.
  - a. Evaluation must take place with a supported employment vendor which is approved for ORS sponsorship in accordance with the standards outlined in Section 115.25.
3. A sequence of supported employment services and funding sources must be developed to avoid gaps in service delivery.
4. Although the school department is the primary funding source for programs while the student is in school, services will be provided consistent with Individuals with Disabilities Education Act and the 1992 Amendments of the Rehabilitation Act. Counselors and school personnel will refer to the

Cooperative Agreement (Section 125.3) to guide them in the determination of primary responsibility in the delivery of chosen services.

5. Provision of on-going support services through the state agency would take place after graduation and continue as determined by the individual employee and counselor to stabilization and transition to extended services.